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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JUAN PORTER LOPEZ,

Plaintiff,

vs.

TRUCKING MASTERS, LLC, AHMAD
A ALDAYEM and DOES I through X,
inclusive,

Defendants.

Case No. 2:24-cv-01126

**AMENDED STIPULATION AND
ORDER TO EXTEND
DISCOVERY DEADLINES (FIRST
REQUEST)**

IT IS HEREBY STIPULATED AND AGREED TO by and between Plaintiff
JUAN PORTER LOPEZ ("Plaintiff"), by and through his attorney of record, Bruce
Tingey, Esq., and Oliver Tingey, Esq. of the law firm TINGEY INJURY LAW FIRM,
and Defendants TRUCKING MASTERS, LLC and AHMAD A. ALDAYEM, by and
through their attorney of record, Jared G. Christensen, Esq, Melissa Ingleby, Esq., and
Ashley L. Zurkan, Esq., of the law firm Bremer Whyte Brown & O'Meara LLP, and
for good cause that the discovery deadlines in the above-entitled matter be extended
by sixty (60) days to allow for necessary discovery.

I.**DISCOVERY COMPLETED TO DATE**

Listed below is a statement specifying the discovery completed in this case:

1. Plaintiff's Initial List of Witnesses and Production of Documents made pursuant to FRCP 26(a)(1).
2. Defendants' Initial List of Witnesses and Production of Documents made pursuant to FRCP 26(a)(1).
3. Defendant's First Set of Interrogatories, Requests for Admission, and Requests for Production to Plaintiff. Plaintiff answered this discovery on October 21, 2024.
4. Plaintiff's First Supplemental Disclosures made pursuant to FRCP 26(a)(1).

II.**DISCOVERY REMAINING TO BE COMPLETED**

The Parties plan to complete the following discovery:

1. Produce medical records for recent treatment of Plaintiff;
2. At least one (1) FRCP 35 examination of Plaintiff;
3. Depositions of various witnesses including, but not limited to:
 - a. The parties;
 - b. The parties' retained initial and rebuttal experts; and
 - c. Other percipient witnesses as needed;
4. Initial Expert Disclosures;
5. Rebuttal Expert Disclosures; and
6. Other discovery as needed.

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III.

REASONS DISCOVERY HAS NOT BEEN COMPLETED

Good cause exists to grant the Parties' request for an extension to discovery deadlines. This is the first request for an extension. Despite the parties' diligence and good faith attempts to pursue discovery in preparation for their respective case, significant discovery remains to be completed.

This extension is justified because, in advance of initial expert disclosures, Plaintiff informed Defendants that the previously disclosed damages of \$116,590 would balloon by a factor of 6 to over \$600,000 in future treatment alone. Since Plaintiff continues to treat for his injuries, this figure may continue to grow. In approximately the second week of October, Defendant learned that Plaintiff had a recent doctor appointment at which his provider recommended significant and brand-new recommendations for future treatment which neither the parties nor their counsel anticipated in setting the Scheduling Order for this matter.

Indeed, the parties have endeavored to avoid such interruptions or surprises through frequent conferral. The parties had been in regular communication regarding potential settlement and with a desire to avoid the expense of expert testimony, but this new information has required Defendant to obtain further expert discovery which will not be practicable by the existing deadline for expert disclosure. As such, the deadlines cannot be reasonably met despite the diligence of the Parties who seek the extension. *See Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 609 (9th Cir. 1992).

The requested extension is sufficient to allow Defendant to engage an expert witness to perform a Rule 35 examination of the Plaintiff and to prepare a thorough report. Defendants have already identified a medical provider to perform this examination and seek only the time sufficient for that expert to review the records in this matter and to schedule an examination of the Plaintiff. This examination is tentatively set for November 22, 2024, which is past the current expert deadline. Given

1 the multiple schedules involved, the parties estimate that sixty days will be sufficient
2 to accomplish this remaining discovery without undue prejudice to either party. Fewer
3 than sixty days would prejudice Defendants in their presentation of evidence and
4 defense of their case by denying them a reasonable opportunity to evaluate the future
5 damages alleged.

6 The parties are actively engaging in discovery in this matter with only expert
7 discovery and depositions remaining to be completed. Furthermore, the parties are
8 acting in good faith in filing this Stipulation and without an intent to improperly delay
9 the proceedings. Continuing the deadlines for completing discovery will not prejudice
10 any party or have a negative impact upon the judicial administration of this Honorable
11 Court. Accordingly, the Parties are requesting a 60-day extension to all remaining
12 discovery deadlines.

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IV.

PROPOSED SCHEDULE FOR COMPLETING DISCOVERY

The Parties hereto, and for good cause described in this stipulation, and in accord with Local Rule 6-1 and Local Rule 26-3, request this Honorable Court to adopt and approve this stipulated extension to the discovery plan, and continue the discovery deadlines as requested below:

DISCOVERY EVENT	CURRENT DEADLINES	PROPOSED DEADLINES
Initial Expert Disclosures	November 7, 2024	January 6, 2025
Rebuttal Expert Disclosures	December 9, 2024	February 7, 2025
Close of Discovery	January 6, 2025	March 7, 2025
Dispositive Motions	February 5, 2025	April 6, 2025
Joint Pre-Trial Order	March 7, 2025	May 6, 2025

The parties hereby stipulate to the proposed changes in the discovery deadlines.

Dated: October 22, 2024

Dated: October 22, 2024

**BREMER WHYTE BROWN & O'MEARA
LLP**

TINGEY INJURY LAW FIRM

/s/ Ashley L. Zurkan

/s/ Oliver Tingey

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Attorneys for Defendant AHMAD ALDAYEM

and TRUCKING MASTERS LLC dba

TRUCKING MASTERS

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ORDER

Based upon the stipulation of the parties hereto, and for good cause appearing:
IT IS HEREBY ORDERED that the discovery deadlines are extended as follows:

Event:	Deadline:
Initial Expert Designations:	January 6, 2025
Rebuttal Expert Designations:	February 7, 2025
Discovery Cutoff Date:	March 7, 2025
Dispositive Motions:	April 6, 2025
Joint Pre-Trial Order:	May 6, 2025

IT IS SO ORDERED:


UNITED STATES MAGISTRATE JUDGE

Dated: October 23, 2024